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Attorneys for Defendants County of Siskiyou; Jeremiah LaRue and Jesus Fernandez, in their official capacities as members of the Siskiyou County Sheriff's Department and in their individual capacities; Brandon Criss, Ed Valenzuela, Michael N. Kobseff, Nancy Ogren, and Ray A. Haupt, in their official capacities as members of the Siskiyou County Board of Supervisors and in their individual capacities; Edward Kiernan, in his official capacity as County Counsel for Siskiyou County and in his individual capacity; and DOES 1-100.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

Dilevon Lo, Jerry Vang, Nathan Thao, Mao Thao, Pao Lee, Antonio Lee, Koua Lee, Nhia Thai Vang, Zeng Lee, Der Lee and Khue Cha

Plaintiffs,

vs.

County of Siskiyou; Jeremiah LaRue and Jesus Fernandez, in their official capacities as members of the Siskiyou County Sheriff's Department and in their individual capacities; and Brandon Criss, Ed Valenzuela, Michael N. Kobseff, Nancy Ogren, and Ray A. Haupt, in their official capacities as members of the Siskiyou County Board of Supervisors and in their individual capacities; Edward Kiernan, in his official capacity as County Counsel for Siskiyou County and in his individual capacity; and DOES 1-100,

Defendants.

Case No.: 2:21-cv-00999-KJM-DMC

DEFENDANTS' OBJECTIONS TO THE AFFIDAVIT OF EDWARD SZENDREY DATED JULY 14, 2021 (CM/ECF NO. 28)

Complaint Filed: June 4, 2021
First Amended Complaint Filed: July 15, 2021

Date: August 6, 2021
Time: 10:00 AM

[FEES EXEMPT PURSUANT TO GOVERNMENT CODE SECTION 6103]

1 Defendants hereby submit their objections to the three affidavits filed to date by Edward
2 Szendrey in support of Plaintiffs' original motion for TRO and preliminary injunction and the
3 current motion for preliminary injunction.

Material Objected To:	Grounds for Objection:	Ruling on Objection:
Affidavit of Edward Szendrey July 15, 2021, ¶4 “Siskiyou County asserts water truck owner/operators simply have to obtain a permit from the county in order to provide water to Hmong people to meet their basic living needs. The process is not as simple as the county asserts.”	Lacks foundation. Speculation. Hearsay. (FRE 801) Inadmissible opinion. (FRE 701) Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
¶7 “I obtained a copy of the County of Siskiyou, Community Development Department, Application for Groundwater Extraction for Use Off-Site. (See Application for Groundwater Extraction, attached here as Exhibit A) The application is a four page document which requires a property owner to designate the parcel from which water is extracted and the parcel to which water is to be delivered and the owner of that parcel. The person receiving the water must be a property owner.”	Lacks foundation. Speculation. Hearsay. (FRE 801) Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____
¶8 “The vehicle delivering the water must also be identified in the application. The application does not provide for water to be delivered to other parcels by any other vehicle. The purpose of the use of the groundwater is required to be specified.”	Lacks foundation. Speculation. Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____
¶9 “In other words, in addition to the Water Tender Permit, the water truck owner/operator must also have an agreement with a permitted property owner that specifies which parcels and parcel owners the water is to be distributed to. The permitted property	Lacks foundation. Speculation. Hearsay. (FRE 801) Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____

1	owner must have a separate permit for each water truck owner/operator he or she provides groundwater to.”		
2	¶12 “In a practical sense, to provide sufficient water for several thousand people and their animals and vegetable crops, it would take numerous permits to provide water to the Mount Shasta Vista subdivision.”	Lacks foundation. Speculation. Hearsay. (FRE 801) Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____
3	¶13 “I have spoken with residents of the Mount Shasta Vista subdivision who fear providing owner and parcel information would open them up to warrantless inspection by the county. They further expressed concern that without a specific waiver, the property owner would be in violation for providing water that was being sent to another parcel. Another concern was possibly facing civil liability if anyone suffered harm getting water from them.”	Hearsay. (FRE 801) Prejudicial, confusing and misleading (FRE 403) Irrelevant.	Sustained: _____ Overruled: _____
4	¶14 “Because the water truck owner operators would have to traverse County Road A12 to service the Mount Shasta Vista subdivision, they would be subject to continuous law enforcement detentions and inspections of their vehicles.”	Lacks foundation. Speculation. Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____
5	¶15 “On June 24, 2021, I contacted Siskiyou County Supervisor Michael Kobseff and Siskiyou County Sheriff Jeremiah LaRue by e-mail attempting to establish a dialog between the County and the Hmong residents of Mount Shasta Vista subdivision on the subject of water. In my request, I proposed the County set up water distribution centers at the fire stations near Mount Shasta Vista, in order to address the immediate concern of lack of water for personal use, for animals, and for growing vegetables. I understand the local fire stations have water tanks. I informed Kobseff and LaRue in my emails that not all the	Hearsay. (FRE 801) Prejudicial, confusing and misleading (FRE 403) Irrelevant.	Sustained: _____ Overruled: _____

1 2 3 4 5 6 7 8 9 people affected by the new water restrictions grow cannabis, and that the residents of Mount Shasta Vista have no place to go to get water, much less get it legally, and that if someone with a well fills a bottle for their neighbor, they are in violation of the ordinance. I informed Kobseff and LaRue that many people in the Shasta Vista subdivision are desperate for water, and that there is a great humanitarian need that should be addressed. I did not receive a reply from either Mr. Kobseff or Sheriff LaRue. True and correct copies of the emails that I sent to Mr. Kobseff and Sheriff Larue are attached hereto as Exhibit B.”		
¶17 “Attached hereto as Exhibit D is a true and correct copy of a photograph of a T-shirt that I have determined is being sold in Siskiyou County to celebrate the Siskiyou County Sheriff and his bulldozing of properties in Hmong communities”	Speculation. Inadmissible opinion. (FRE 701) Lacks foundation. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
¶18 “Attached hereto as Exhibit E is a true and correct copy of a letter that I sent to Congressman Doug LaMalfa on June 23, 2021, advising him of the humanitarian crisis that is developing in the Mount Shasta Vista subdivision as a result of Siskiyou County outlawing water trucks from servicing the subdivision, and requesting that he encourage the County to address the immediate concern for water for the basic needs of the people living in the subdivision.”	Irrelevant. Hearsay. (FRE 801)	Sustained: _____ Overruled: _____
¶19 “On Monday, June 28, 2021, I received a call at 2:24 PM from Siskiyou County farmer Steve Griset advising me the Lava Fire was entering the Mount Shasta Vista subdivision. Griset informed me, however, that Cal Fire units were lined up on County Road A12 and not entering the subdivision. Mr. Griset	Irrelevant. Hearsay. (FRE 801) Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____

1 informed me he was opening his well
2 for the Hmong water trucks to get
3 water. He said he could only fill one
4 truck at time because someone had
5 removed a valve from his second line.
6 At 2:27 PM I received a call from
7 Ntshuab Yaj who advised me she
8 would join Mr. Griset in coordinating
9 the efforts of the water trucks. I
10 received an unconfirmed report the
11 water truck drivers were being ordered
12 to evacuate the subdivision along with
13 the other residents.”

14 ¶20
15 “On Tuesday, June 29, 2021, I
16 received a call at 8:50 AM from Mr.
17 Griset who advised me that the power
18 to the Mount Shasta Vista area was
19 shut off around 2:00 AM which left
20 him unable to continue pumping water
21 to the trucks. Shortly after 9:00 AM,
22 Mai Yang showed me a video
23 recording of a Siskiyou County
24 Deputy Sheriff speaking with Hmong
25 persons. The Deputy stated that Cal
26 Fire would not enter the subdivision
27 unless all the Hmong evacuated. My
28 wife Georgie Szendrey and I entered
the Mount Shasta Vista Subdivision to
observe the firefighting efforts to put
out what is called the Lava Fire. We
were driven through the area by
Hmong residents of the subdivision. I
observed areas within the subdivision
to be burned and other areas that had
not been affected by the fire. I
observed Hmong residents putting out
small fires with buckets of water,
throwing dirt on burning trees, and
dowsing spot fires with water from
water trucks. I overheard cell phone
communications where the Hmong
were coordinating their firefighting
efforts. We spoke with residents who
had been up for over twenty-four
hours fighting the fires. Our escorts
made frequent stops to assist others in
putting out spot fires. Several water
trucks were involved in coordinated
efforts to put out flare ups. In the two
hours we were in the subdivision, I
observed approximately thirty separate
efforts to extinguish flare ups by the
Hmong citizens. I observed where

Irrelevant.

Hearsay. (FRE 801)

Prejudicial, confusing and
misleading (FRE 403)

Inadmissible opinion. (FRE 701)

Sustained: _____

Overruled: _____

1 2 3 4 5	<p>homes had been saved. I also observed a number of cannabis grows that had been destroyed. The Hmong made no effort to save the grows. Attached hereto as Exhibit F are true and correct copies of photographs that my wife took while I was with her in the Shasta Vista subdivision while the Lava Fire was burning.”</p>		
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<p>¶21</p> <p>“At around 1:45 PM, I observed three Cal Fire Units at the home of Russel Mathis. It should be noted I know Mr. Mathis to be Anglo/Asian in ancestry. His appearance is Caucasian. I called Mr. Mathis and he informed me he had evacuated the night before, but returned in the morning and was allowed to return to his home with Cal Fire. For the next hour we traveled through many areas within the subdivision observing the efforts by the Hmong to put out the fire. At 2:50 PM I observed two Cal Fire engines with crews engaged in what appeared to be addressing an area that was still smoldering. At 2:55 PM, I observed five or six Cal Fire units staged on Mt. Shasta Vista Road. They were not engaged in any active firefighting effort. My wife Georgie Szendrey took photographs in my presence (see Exhibit F). I later spoke with local resident Darren Duck who lives on County Road A12 near the entrance to the Mount Shasta Vista subdivision. He advised me that on June 28, 2021, Cal Fire trucks were lined up on County Road A12 but were not entering the subdivision. However, he did observe Cal Fire units entering the subdivision on this day. I was informed Hmong water truck drivers had been prevented from coming into the area by deputies stationed at County Road A12 and Big Springs Road. At approximately 4:00 PM, I contacted a Siskiyou County Deputy Sheriff who was stationed at that location. He advised me that unless the truck drivers had a permit from Cal Fire they would not be let in. He advised me that the drivers would have to go to the Cal Fire command</p>	<p>Irrelevant.</p> <p>Hearsay. (FRE 801)</p> <p>Prejudicial, confusing and misleading (FRE 403)</p> <p>Inadmissible opinion. (FRE 701)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

1	center in Weed to obtain the permit.”	
2	¶22 “On June 30, 2021, Mr. Griset advised me power had been restored to west of him but not to his farm, the Ellison Farm, and the Shasta Vista subdivision. He stated he could not believe the two irrigators who were in litigation with the county were the only ones without power at that time.”	Irrelevant. Hearsay. (FRE 801) Prejudicial, confusing and misleading (FRE 403) Inadmissible opinion. (FRE 701)
3		Sustained: _____ Overruled: _____
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7	¶23 “On July 1, 2021, at approximately 4:30 PM, Mr. Griset advised me the power was back on. He stated he heard in a media report that the lack of water was hampering Cal Fire’s effort to fight the fire. He stated he was willing to fill the Cal Fire trucks and was wanting to get that message to them. After several unsuccessful attempts to reach Cal Fire by phone I was able to connect with a dispatcher at the City of Weed Police Department. The dispatcher told me she had direct contact with Cal Fire and would pass on the message. I learned from a reliable source the message was also given to the public information officer of Cal Fire.”	Irrelevant. Hearsay. (FRE 801) Prejudicial, confusing and misleading (FRE 403) Inadmissible opinion. (FRE 701)
8		Sustained: _____ Overruled: _____
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17	¶24 “On July 6, 2021 I spoke with Shannon Spencer of the Ellison Farm. She stated the Ellison’s had made a similar offer to Cal Fire. She said however, a fireman with Cal Fire, who had received water in the past, told her he was told by a Deputy Sheriff not to get water from the Ellison’s. Cal Fire did not comply with the Deputy Sheriff and serviced their trucks from the Ellison’s well.”	Irrelevant. Hearsay. (FRE 801) Prejudicial, confusing and misleading (FRE 403) Inadmissible opinion. (FRE 701)
18		Sustained: _____ Overruled: _____
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23	¶25 “Based on my investigation, the Grisets¶ and Ellisons¶ wells are two of the highest producing wells in Siskiyou County. Both are in close proximity to the Lava Fire. Both have been a target of Siskiyou County’s water ordinances and are currently in litigation with the county. As of the	Inadmissible opinion. (FRE 701) Lacks foundation. Prejudicial, confusing and misleading (FRE 403) Irrelevant.
24		Sustained: _____ Overruled: _____
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	date of this affidavit, Cal Fire has not taken either of them up on the offer of water to help fight the local fires.”	Hearsay. (FRE 801)	
¶26	“As of the date of this affidavit Cal Fire has not taken Mr. Griset up on the offer of water to help fight the local fires.”	Lacks foundation. Speculation. Hearsay. (FRE 801)	Sustained: _____ Overruled: _____
¶27	“On July 6, 2021, I met with Bao Kelly Xiong and interviewed her regarding her vehicle being seized when she was transporting water to her home on June, 18, 2021. Ms. Xiong lives in the Mount Shasta Vista subdivision of Siskiyou County. Ms. Xiong stated she is 54 or 56 years old, she is not sure. She lives alone and her only income is that provided to her by her children.”	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
¶28	“Ms. Xiong stated since the restrictions on water have been imposed for residents in the Mount Shasta Vista subdivision she has had to beg and borrow water to meet her personal needs. On the night of June 18, 2021, she went to a friends for water. She stated she has two orange containers she normally uses to transport water in her pickup truck. She does not know exactly how many gallons of water they collectively hold but her friends told her it is less than 100 gallons, and she could carry more. Based on what her friends told her she bought what she described as a 30-gallon black trash barrel which she also filled with water. Ms. Xiong said she had two medium sized ice chests which she decided to fill with water as well. She had no idea exactly how much water she had.”	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
¶29	“That evening at 9:00 PM, Lake Shastina Police Officer M. Yates, #408, stopped her on Big Springs Road. She stated the officer asked her for her drivers license and insurance.	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____

1	He told her she was over the limit of water allowed. She said she offered to dump the excess water. Ms. Xiong stated the officer told her to get out of her vehicle 'for paperwork.'"		
2	¶30 "Ms. Xiong stated after exiting her vehicle the officer had her sit in the back of his patrol car. The door was locked. After she was placed in the back of the patrol car the officer searched her vehicle. He removed a small suitcase and her purse from the vehicle. She said he then searched through the suitcase which contained her traditional Hmong costume and silver necklace. He then opened up her purse and searched it."	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
3	¶31 "The officer then had a tow truck come and tow her vehicle away. She said she had some cooking utensils and other things she recently purchased inside the vehicle. Her keys to her home were also on the key ring which was in the vehicle. The title to her property was also in the vehicle."	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
4	¶32 "Officer Yates issued her a citation for a violation of Siskiyou County Ordinance 3-4-1501, Carrying more than 100 gallons of water on Big Springs Road. The citation noticed her to appear in court on August 10, 2021. He also issued her a property receipt for her vehicle. It should be noted the property receipt does not mention the water containers or their capacity."	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
5	¶33 "Ms. Xiong stated that while sitting in the back of the patrol car her heart started beating fast. After the officer let her out of the patrol car her heart continued to beat fast, she started feeling chest pains, and suffered cramps in her arms and legs. She said she pounded on the officer's window asking for help. Officer Yates told her not to be scared as he was not going to arrest her. The officer did call for fire rescue and an ambulance which	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____

1 arrived. They offered to take her to a 2 hospital, but she declined. The nurse 3 told the officer Ms. Xiong was 4 probably scared. Ms. Xiong said the 5 firemen remained with her until her 6 daughter, True Lee could arrive to 7 take her home. She stated she was 8 unable to eat for a week after the incident. She stated she has never been in trouble with law enforcement before. Ms. Xiong stated her vehicle was her only mode of transportation. Ms. Xiong has a language barrier. Her primary language is Hmong. She stated she understood about 80% of what the officer said.”		
¶34 “Ms. Xiong was born at the military headquarters of the U.S. Secret War in Long Chiang, Laos. Her father was a soldier in the U.S. Secret Army. Her mother passed away when she was five or six years old. She fled with her father and they lived in the jungle. In 1979 they crossed the Mekong River into Thailand on a long raft. She said they were very poor and lived alongside of the river for some time before being taken to the refugee camp at Ban Vanai. She attended high school in Ban Vanai where she met her husband. She was thirteen and her husband was sixteen when they got married. They lied about their age so they could qualify to go to the United States. In June of 1984 they came to the U.S. and settled in Rochester, Minnesota. She lived in Arkansas for nine years then moved to Sacramento, California. Four years ago, she divorced her husband and purchased property in Mount Shasta Subdivision.”	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
¶35 “On Tuesday, July 6, 2021, I received a phone call from Mee Vang asking me to come see her property which suffered damage in the Lava Fire. I met with Mee Vang, her husband Vang Vang, son Brandon Yang, and Daughter in Law Gao Lor at 13554 Heinzelman Road which is located in the Mount Shasta Vista subdivision.	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Located on the property is a triple wide modular home which appeared to be in the process of being installed on the property. The home did not appear to have suffered fire damage, however the area surrounding the house had sever fire damage. In addition to trees and vegetation I observed the remains of what appeared to be the top of a well, and air conditioner, and two large water tanks destroyed by the fire."	
¶36	Irrelevant. Inadmissible opinion. (FRE 701) Lacks foundation.	Sustained: _____ Overruled: _____
¶37	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
¶38	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
¶39	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____

¶40 "Attached hereto as Exhibit G are true and correct copies of photographs that my wife took in my presence in connection with my interview with Mee Vang and her family regarding their loss from the fire."	Lacks foundation. Irrelevant.	Sustained: _____ Overruled: _____
¶41 "On July 8, 2021, I interviewed Zurg Xiong, age thirty-three, by phone. At the time of my interview, Zurg had stationed himself in front of the Siskiyou County Courthouse in Yreka, California, and was on the third day of a hunger strike. Zurg is protesting Siskiyou County's response to the Hmong population of the Mount Shasta Vista Subdivision."	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
¶42 "I asked Zurg what his purpose was of going on a hunger strike. He replied; "As a very small minority group, even among the majority Asian group, our voice has been silenced by the local government here. The Board of Supervisors and the specially appointed, not elected, Sheriff LaRue, have been spreading propaganda and rumor. And they killed one of our brothers. And it's the killing of our Hmong brother. He's not my brother, but he's our brother. I don't even know his name and I don't even know his face. But that murder was the culmination of the escalation of tensions between our small Asian community and the wider predominantly white community. These tensions have been actively stoked, encouraged and maybe even unofficially directed by the local government. We have seen threats of mass arson, domestic terrorism from locals like there are on Siskiyou County Sheriff's Office, Facebook page. They've been using vigilante volunteers, many of them I suspect are white supremacists. Anti-Asian groups from Washington and Oregon to come in, come to our private roads and destroy our private property, unconstitutional acts. And this all	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____

1 started from LaRue being appointed
2 and saying, look, go after the water.
3 Now, I don't know about you, but a
4 specially appointed Sheriff in a
5 position of such power by a Board of
6 supervisors, five or six people who
7 says go after the water. That sounds
8 like a tyrannical, despotic future to
9 me. It's a government overreach. And
10 I honestly believe it's an
11 unconstitutional attack on human
12 rights. And they initiated all of this
13 because of that. So the tension started
14 when that happened. And then we had
15 a protest a few months ago. When we
16 went marching, I actually said in my
17 speech. I said they're going to go after
18 the water. They're going to burn us out
19 because they've been threatening to
20 burn us out. And then one of the
21 police officers are going to shoot us
22 dead because of the tensions are so
23 high. And that's exactly what
24 happened. And that happened at the
25 same time. And they're lying about it.
26 They're lying about it because they
27 know that they control the media here,
28 the local media. They control the
newspapers, and they know that our
people we're so small, even among the
Asian minorities. And we have no
money. We have no political clout.
We have no media contacts. So the
only thing I can do as a young leader
for my people is to go on a hunger
strike, the most extreme form of
nonviolent protest, to get our voice
across, to get our side of the story and
to give us a platform. And I want to
show the people who have been
propagandized, who've been lied to,
that I am somebody that they didn't
take seriously and I am somebody
who is willing to die to tell the truth.
Compare that to somebody like a
specially appointed unelected official,
like La Rue and the Board of
Supervisors of Siskiyou County who
have had an iron grip on this county
for centuries. That's why I'm doing it.
That's why I'm on hunger strike. And I
told these people I'm prepared to die in
front of the American courthouse just
to prove the point that this is not
justice.”

¶43 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<p>“Zurg stated he has lived in Mount Shasta Vista Subdivision for nine months I asked him to take me step by step how things built up that brought him to his hunger strike. He replied: ‘So like I said, the Board of Supervisors and Sheriff LaRue, they come together and conspiracy to deny us the right to transportation of water because they know we don't have wells out there. They legally attacked the local ranches. Well, a well that we used as a community a communal well. They've their water, their water ban. The ordinance specifically targets the road surrounding our community. So I'm not, that's not hyperbole, When I say that they stopped water from our area, they literally named the streets, the streets surrounding our subdivision as the streets that you can't get water delivery and you can't have water over ninety nine gallons or one hundred gallons. Six, seven showers worth of water. And if you do, you're going to get hunted down by the Sheriffs, the Sheriff's Office, like an animal. And when the water ban went into effect, if you go on to the sheriff page, they were galvanizing locals to become vigilantes and to assail any Asian person who might have water. They closed off all the public areas where you can get water like the springs in Shasta City. They wait there and they took the Asian people. I've seen police squad cars at our local Hmong store waiting to ticket us if we have anything more than ninety-nine gallons of water. So this buildup of tension, this unconstitutional, discriminatory act of government against our people already raise the stakes and raise the tensions. Not only that, they've galvanized the community who already hates us, who have dehumanized us to take action and to say, hey, we can do this and we'll get off scot free because the Sheriff's county, the Sheriff's Office isn't going to do anything about it. They're going to turn a blind eye. And like I said, maybe they're the ones actively encouraging this. So we've</p>	<p>Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)</p>	<p>Sustained: _____ Overruled: _____</p>
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1 had threats of arson. They took away
2 our water and they've had locals who
3 aren't even officially police or
4 anything like that come into our area.
5 I've had one of my friends, colleagues,
6 he actually went to a Patriot meeting
7 and they admitted that they went to
8 our private properties and our private
9 roads and the local D.A. congratulated
10 them for their courage. So we've been
11 assailed by the local community, not
12 the whole community, the community
13 who would be against us even if
14 tomatoes are being grown in there.
15 They believe that they have the full
16 support of the tyrannical, despotic
17 local government, Board of
18 Supervisors and Sheriff LaRue. So
19 they've been empowered to victimize
20 us with violence. So when the fire
21 came and we saw that the emergency
22 services, Cal Fire, Siskiyou sheriff,
weren't going to protect our property,
we knew they weren't going to protect
us. We've been predicting that they
were going to try to burn us out the
way they burned down Chinatown one
hundred years ago. We went back and
we fought the fire to protect our own
community, protect our own people.
And as a result, they killed one of our
people. And this, like I said, is a
culmination of all the escalation
perpetuated by the local government,
the local tyrannical, almost dictator
shit like Board of Supervisors and
sheriff's office. And I want people to
know that this is what happened.
LaRue and the Board of Supervisors,
like I want to reiterate, they think that
they have a monopoly on the media
and they think that we are voiceless
people. But that's why I'm here doing
this hunger strike.””

23 ¶44
24 “I asked Zurg if he has had any
25 contact with the local authorities. Zurg
26 replied: ‘I did speak with the Sheriff
27 deputies here who are in charge of the
security of their new extravagant
courthouse. But it’s just been a
conversation, a pleasant conversation
about my rights and what I can and
can’t do on this property. But in terms

28 Hearsay. (FRE 801)

Irrelevant.

Prejudicial, confusing and
misleading (FRE 403)

Sustained: _____

Overruled: _____

1	of like official people from the city or the county, no, nobody's contacted me and I think they're probably scared to contact me.””		
2			
3	¶45 “I noted this was the third day of his hunger strike which started this past Tuesday after the Board of Supervisor’s meeting. Zurg responded: ‘Yeah. Unofficially, though, I started the day before that event in preparation, but officially. Officially.””	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
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8	¶46 “I asked him how he was holding up. He replied: ‘I’m doing good. We actually had public health come here because they were notified that I was on a hunger strike. So they called in two nurses to check on my vitals. Pulse is good. Heartbeat good. Blood pressure’s pretty high. It’s one hundred fifty over one hundred. I’ll give you that. And then I was sitting in the sun all day, so my temperature was about one hundred and two. But it was just it was like an external reading. It wasn’t like in my mouth or anything. And I don’t have any like feelings of illness or anything. And I don’t have any signs of any sort of mental illness. I’m very cognizant. I’m very aware of what’s going on. They can’t diminish what I’m doing. I call it mental health issue. It’s it’s a purposeful movement.””	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
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20	¶47 “I inquired about any media attention he may have received. Zurg stated: I’ve had a few interviews with local news stations. Is that what you’re talking about? I mean, right, I’ve had a few interviews with local media from maybe like the big cities in Oregon, like Medford. I’ve had independent people come, the independent news people from Sacramento, from he’s public in public health and everything’s public record. He came and he discussed with me and he asked me if I could if he could share my details and	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
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1	information with other outlets. I said, yes, sure. That the whole point is to get coverage. That's right. Yeah. No national news, but it's only day three. We'll wait until like eight, 30.””		
4	¶48 “I asked if he had a cell phone of his own. Zurg stated he broke his phone fighting the fire and is using his mother's.””	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
7	¶49 “I inquired about his being involved in fighting the fire. Zurg stated: ‘That's why I'm really exhausted. I fought that fire all week with my brothers and sisters. Like I have witnesses to show that I was there fighting nonstop. We were exhausted. You couldn't sleep because of the fire.’””	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
12	¶50 “I asked if he lost any property in the fire. He replied ‘No, I didn't lose any property. We were one of the lucky ones. The fortunate ones. Yeah.’””	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403) Speculation.	Sustained: _____ Overruled: _____
17	¶51 “On July 10. 2021, I spoke with Mike Sousa by phone. Mr. Sousa owns Mike Sousa Transport, and services the agricultural and commercial communities. He has been in the trucking business for twenty years. For much of the last five years, a large portion of his business has been hauling water in his commercial water tender.””	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
23	¶52 “Mr. Sousa stated he has to have a permit to haul water, the person who receives the water has to have a permit, and wherever he gets the water has to have a Groundwater Extraction Permit.””	Inadmissible opinion. (FRE 701) Lacks foundation. Speculation.	Sustained: _____ Overruled: _____
27	¶53 “The county issued him a permit from	Hearsay. (FRE 801)	Sustained: _____

1	Public Works allowing him to haul water on County Road A12 with no problem. Two days later the same office called him and asked if he was available to haul water to someone in Shasta Vista.”		Overruled: _____
4	¶54 “The process went from Public Works doing the permitting to the county Planning Department doing the permitting.”	Hearsay. (FRE 801) Lacks foundation. Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____
7	¶55 “He said the county has done everything they could to hold him up on getting a Groundwater Extraction Permit.”	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403) Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____
11	¶56 “Mr. Sousa stated the Planning Department told him people were no longer required to get a permit to receive water, and that he would just have to let them know where he was taking it. To complete the Groundwater Extraction Permit, they need to know the addresses where he was to deliver the water. He said he delivers to various customers and doesn’t know where he is taking water until ‘his phone rings.’ To comply, he put addresses of properties owned by his uncle and property he owned, all in the Shasta Valley. They denied the permit saying these locations were not in the water basin. He said he doesn’t always know what the water is used for, he is just in the trucking business. He gets an order for water and he delivers it.”	Hearsay. (FRE 801) Lacks foundation. Speculation. Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____
23	¶57 “He spoke of a lady located in the Mildred area who had a permit to receive water. The Mildred area is east of Mount Shasta Vista and south of County Road A12. He said the lady has horses which require 20 gallons of water each day. He was denied his Groundwater Extraction Permit because her location ‘wasn’t in his	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____

1	water basin.””		
2	¶58 “Mr. Sousa said he was told it was okay to haul water on County Road A12 to a construction job at the Weed rest area on Interstate 5 and to work being done on a Union Pacific Railroad trestle on Mount Shasta near the town of Weed.””	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
3	¶59 “He was told he could only deliver water that was in the Shasta Water Basin where his source of water was. He asked for a map of the Shasta Water Basin and was directed to speak with Planning Director Kirk Skierski. He inquired of Mr. Skierski as to the boundaries of the Shasta Water Basin. He said Mr. Skierski’s response was the Shasta Water Basin is ‘huge.’ He was told the construction jobs he was working on near Weed were in the Shasta Water Basin.””	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
4	¶60 “Traveling on County Road A12 to the construction sites, Mr. Sousa passed Mildred to get to those sites.””	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
5	¶61 “Mr. Sousa stated he has been to the Planning Department not less than ten to fifteen times ‘playing their game.’ He said he kept on asking questions as to why his permit was not granted and received different excuses why it couldn’t be issued. He said his denial letter left off addresses he gave them and put addresses he did not apply for. Mr. Sousa stated they left off the Union Pacific location off the denial letter.””	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
6	¶62 “He said the lady with the horses is named Christine. He had been assisting the firefighting efforts and promised Christine when the evacuation was over, he would get her water. Mr. Sousa stated he put her address on a business card and looked up her APN number and put it on the card. He presented the card to a clerk	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____

1 2 3 4 5 named Lisa at the Planning Department. He said he knew that if they just looked at a map, they would tell him 'no.' Mr. Sousa suggested to Lisa the County have Code Enforcement Officer John Ankerberg go inspect the location and confirm she does grow marijuana, that she has many animals, and that is what she needs the water for."		
6 7 8 9 ¶63 "Mr. Sousa stated the bottom line is they just did not want to issue the permit. His impression is they want to pick and choose who gets water. It is okay to haul water for construction projects or for anything other than to provide the water to Asians."	Hearsay. (FRE 801) Speculation. Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____
10 11 12 13 14 15 16 ¶64 "He mentioned the water delivery request he got from Public Works. He said he contacted the person he was delivering to make sure the water wasn't for any other purpose than he was told. He was told the delivery was because the person said they had 50 chickens and a bunch of dogs. He told the person if was for anything but that he wouldn't haul to them again. He stated that was exactly what the scenario was."	Hearsay. (FRE 801) Lacks foundation. Irrelevant.	Sustained: _____ Overruled: _____
17 18 19 20 21 22 23 ¶65 "Mr. Sousa told of having a Union Pacific job at Grass Lake. Not being allowed to travel on County Road A12, he would have to travel to Medford Oregon, and cut across the Cascades to Klamath falls for an extra four-hour drive. He contacted a Deputy Sheriff who relented and allowed him to travel on County Road A12 because it was fire-related."	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
24 25 26 27 28 ¶66 "Mr. Sousa said the County put him in an awkward position. Before May 3rd he hauled water to anyone requesting it. After May 3rd he was required to get permits. He made the delivery the county requested believing they worked to bring two people together. However, since he hauled the water	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____

1	requested by public works and people saw his truck was on the road, his phone hasn't quit ringing with people needing water. He can't comply with their requests.”		
2	¶67 “Because of the demand he has for water, Mr. Sousa asked the county if they can't issue him a Groundwater Extraction Permit to tell him where he can get water or tell him of someone else who can haul water.”	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
3	¶68 “Mr. Sousa stated he is almost to the point of taking his tank off his truck and going back to hauling rock. His truck costs him \$2500 year for fees and is standing idle. He mentioned that hauling water is not as lucrative as has been portrayed in the media.”	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
4	¶69 “He said the county has a problem but the way they are going about it is wrong. In his opinion, they just want the grows and the Asians just to leave. He said they pass these laws but you can violate the court order for some places and they won't say anything but are going to come down on you if you go to other places.”	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
5	¶70 “Mr. Sousa said he knows of another Caucasian who has a construction company whose business is on County Road A12 who is afraid and won't take his truck out.”	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____